

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NICOLE R. LEAL,

Plaintiff,

v.

MICHELLE FERRINI, et al.,

Defendants.

Case No. 2:14-cv-01524-APG-PAL

ORDER

(Mtn to Appoint GAL – Dkt. #28)

This matter is before the court on Plaintiff Nicole R. Leal's Motion for the Court to Recognize the Second Plaintiff as the Guardian or Guardian Ad Litem Representing the First Plaintiff (Dkt. #28) filed January 14, 2015. Leal is proceeding in this action pro se and in forma pauperis. The court has considered the Motion.

The Motion seeks an order appointing Mr. Ronald Emrit as Plaintiff's guardian ad litem. It refers to Mr. Emrit as the second Plaintiff in this case, but he was not named as a Plaintiff in the complaint Leal submitted with her Application to Proceed In Forma Pauperis (Dkt. #1-1).¹ Mr. Emrit claims to be the "guardian or guardian ad litem" for Leal because he "intends on being the payee for [Leal] if and only if [Leal] is awarded disability payments from the Social Security Administration." Mr. Emrit claims to have a power of attorney to act on behalf of Leal.

Absent statutory authorization, pro se parties may not pursue claims on behalf of others in a representative capacity. *See Simon v. Hartford Life, Inc.*, 546 F.3d 661, 665 (9th Cir. 2008) (collecting cases). In fact, in *Johns v. County of San Diego*, the Ninth Circuit held that a parent or guardian may not bring suit in federal court on behalf of their child without first retaining an

¹ The proposed amended complaint attached to Plaintiff's Motion for Leave to Amend (Dkt. #11), which was denied without prejudice, in an Order (Dkt. #12) entered December 31, 2014, did seek to add Mr. Emrit as a Plaintiff. The district judge gave Plaintiff until February 13, 2015, to file a new amended complaint.

1 attorney. 114 F.3d 874, 876 (9th Cir. 1997). Plaintiff has cited no legal basis to appoint a non-
2 party as a guardian ad litem to pursue this action.

3 Accordingly,

4 **IT IS ORDERED** that Plaintiff's Motion to Appoint Mr. Emrit as Guardian Ad Litem
5 (Dkt. #28) is DENIED.

6 Dated this 9th day of February, 2015.

7
8 
9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE